



Agenda Date: 1/23/02

Agenda Item: 3D

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

IN THE MATTER OF COMCAST)	<u>CABLE TELEVISION</u>
CABLEVISION OF GARDEN STATE, L.P. –)	
FOR APPROVAL OF THE FILING OF FCC)	
FORM 1205 DETERMINING REGULATED)	ORDER ADOPTING STIPULATION
INSTALLATION AND EQUIPMENT COSTS)	
USING THE OPTIONAL EXPEDITED RATE)	
PROCEDURES)	DOCKET NO. CR01100626

(SERVICE LIST ATTACHED)

BY THE BOARD:

On October 2, 2001, Comcast Cablevision of Garden State, L.P. ("Petitioner") filed an aggregate Federal Communications Commission ("FCC") Form 1205, Docket Number CR01100626, seeking approval by the Board of Public Utilities ("Board") for regulated equipment and installation costs for its Garden State and Carney's Point systems pursuant to the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 543 et seq., and provisions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq.

The Board, at its public meeting on January 10, 1996, in Docket Number CX95120636, approved the implementation of Optional Expedited Rate Procedures for the processing of certain filings made with the Office of Cable Television ("OCTV"). The intended purpose of these procedures is to grant final rates as quickly as possible to any cable company that chooses this process. In the spirit of cooperation based on the principles of Alternate Dispute Resolution ("ADR"), the discovery content is limited, thereby reducing the timeframe for settlement.

Petitioner chose to pursue its filing with the Board through the approved procedures. To that end, a pre-transmittal conference was held on November 15, 2001 and attended by representatives of the Petitioner, the Division of the Ratepayer Advocate and Board Staff. Petitioner agreed to waive its Office of Administrative Law ("OAL") litigation rights for this matter. It should be noted that Petitioner's waiver was a knowing, voluntary and intelligent waiver of its litigation rights at the OAL and that the waiver did not constitute a circumvention of the FCC rules nor did it affect Petitioner's right to appeal in that forum.

Petitioner notified its customers of the rate changes by way of newspaper announcements informing them of their opportunity to submit written comments to the Board for a period of thirty

days. The notices appeared in the Burlington County Times on November 2, 2001 and the Gloucester County Times, the Courier-Post and the Asbury Park Press on November 7, 2001 for the Garden State system and Today's Sunbeam on November 7, 2001 and December 7, 2001 for the Carney's Point system. During this time, no comments were received.

After review by Staff and the Ratepayer Advocate of the supporting documentation, schedules and other discovery requests, a settlement conference was held on November 29, 2001. On January 9, 2002, the parties entered into a Stipulation of Settlement.

The Board has reviewed the Stipulation of Settlement and FINDS it to be reasonable, in the public interest and in accordance with the law. Therefore, the Board HEREBY ADOPTS the Stipulation of Settlement (attached hereto) as its own, incorporating by reference the terms and conditions therein as if fully set forth at length herein.

The Board FURTHER ORDERS that should these cable systems, or any part thereof, merge, and/or migrate to another system, be upgraded and/or rebuilt, its ownership or control be otherwise sold or transferred to another entity, the basic service tier rate that will be eliminated or superseded as a result of the merger, migration, upgrade, rebuild, sale or transfer must be "trued-up" [47 C.E.R. § 76.922 (e) (3)]. The final true-up for the affected system, or any part thereof, should be calculated on FCC Form 1240 and begin where the last true-up period ended on its prior FCC Form 1240. This true-up calculation shall be filed with the Board when all the affected subscribers are being charged the rate resulting from the merger, migration, upgrade, rebuild, sale or transfer and may be filed in conjunction with the annual rate adjustment cycle (Form 1240) established as a result of said merger, migration, upgrade, rebuild, sale or transfer.

The cable systems, or any part thereof, may be subsequently deregulated as a result of a finding by the Board, the FCC or other party of competent jurisdiction, that these systems, or any portion thereof, is subject to effective competition. Should that be the case, the last basic service rate established as a result of a prior FCC Form 1240 or such subsequent rate calculation method as may be heretofore adopted by the Board, the FCC or other party of competent jurisdiction, prior to the deregulation of any rate that is now or may in the future be

subject to the Board's jurisdiction, must be trued-up for the period of time that the affected rates were subject to regulation by the Board.

DATED: January 23, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

FREDERICK F. BUTLER
ACTING PRESIDENT

(signed)

JEANNE M. FOX
PRESIDENT DESIGNEE

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

ATTEST:

(signed)

HENRY M. OGDEN
ACTING BOARD SECRETARY

IN THE MATTER OF
COMCAST CABLEVISION OF GARDEN STATE, L.P.
FCC FORM 1205 USING THE
OPTIONAL EXPEDITED RATE PROCEDURES

DOCKET NUMBER: CR01100626

Brian W. Earnshaw
Vice President & Controller Eastern Division
Comcast Cable Communications, Inc.
200 Cresson Boulevard
Oaks, Pa. 19456

Dennis C. Linken, Esq.
Stryker, Tams & Dill, LLP
Two Penn Plaza East
Newark, New Jersey 07102

Lawanda Gilbert, Esq.
Deputy Ratepayer Advocate
State of New Jersey
Division of Ratepayer Advocate
31 Clinton Street - 11th Floor
Newark, New Jersey 07102

Andrea Crane
The Columbia Group
38C Grove Street
Ridgefield, CT 06877